

## COVINGTON

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By CM/ECF

September 22, 2022

The Honorable Philip M. Halpern  
United States District Judge  
The Honorable Charles L. Brieant Jr. Federal  
Building and United States Courthouse  
300 Quarropas Street  
White Plains, NY 10601-4150

**Re: *Smolen v. Wesley*, No. 7:16-cv-02417-PMH (S.D.N.Y.)**

Dear Judge Halpern:

We represent the Plaintiff, Samuel J. Smolen, Jr. ("Plaintiff"), in the above-captioned action. We write in response to the Court's order, dated September 16, 2022, *see* Dkt. 202, to hereby request that the Court endorse the attached revised Order for Writ of Habeas Corpus Ad Testificandum ("Revised Order") to allow Plaintiff to attend trial in this matter, beginning on October 17, 2022.

Counsel for the parties have met and conferred regarding the appropriate facility to house Plaintiff during trial and agree that Plaintiff should be:

- transferred to the Westchester County Jail approximately two weeks before trial in order to facilitate his preparation for trial; and
- allowed to attend trial in Your Honor's courtroom, beginning on October 17, 2022.

Plaintiff's counsel has contacted the Westchester County Department of Correction, which has confirmed that it is amenable to this arrangement.

Plaintiff therefore respectfully requests that the Court endorse the attached Revised Order in order to facilitate his attendance at and participation in trial. Plaintiff thanks the Court for its consideration of this request.

Respectfully submitted,

S/ William E. O'Neil  
William E. O'Neil

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cc: All counsel of record (by CM/ECF)